

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553

Telephone: (845) 563-4615

Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD
WEDNESDAY -- MAY 23, 2007 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

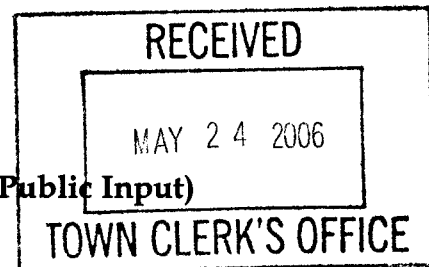
ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. **SILVER STREAM MOBILE HOME PARK**

PUBLIC INFORMATION - MS4 ANNUAL REPORT (Public Input)

REGULAR ITEMS:



1. **MORONEY'S CYCLE SHOP (06-23) RT. 300 (SHAW)** Proposed combining of two lots and proposed 4,950 s.f. building for motor vehicle sales with 23 parking spaces.
2. **NOWICKI SUBDIVISION (07-14) STATION ROAD (TAROLLI)** Proposed 28-lot residential subdivision.
3. **SISTERS OF THE PRESENTATION (07-15) JACKSON AVENUE (NEILER)** Proposed convent housing and place of worship.
4. **GATEWAY MEDICAL PLAZA (WILLIAM HELMER) SUBDIVISION (06-29)** Rt. 300 (Gateway Industrial Park) - Proposed 2-lot commercial subdivision
5. **HAIG SARKISSIAN LLC SITE PLAN (06-30) Rt. 300 (Gateway Industrial Park)** - Proposed 10,000 s.f. medical office building

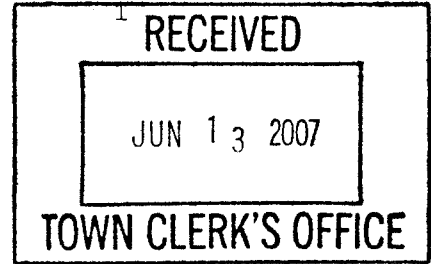
DISCUSSION

6. **DAYS INN - REMOVAL OF TREES**

ADJOURNMENT

May 23, 2007

TOWN OF NEW WINDSOR
PLANNING BOARD
MAY 23, 2007



MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
JOSEPH MINUTA
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the May 23, 2007 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

May 23, 2007

2

MR. ARGENIO: With us tonight is Dominic Cordisco, Michael Babcock is here, the Town Engineer, Mark Edsall is here, and we have a full board. We're going to get right into this.

ANNUAL_MOBILE_HOME_PARK_REVIEW

SILVER_STREAM_MOBILE_HOME_PARK

MR. ARGENIO: First on the tonight's agenda is annual mobile home park, Silver Stream Mobile Home Park. Please come forward, sir, state your name for the stenographer.

MR. MURATARU: Tony Murataru.

MR. ARGENIO: Somebody from your office been there?

MR. BABCOCK: Yes, everything's fine.

MR. ARGENIO: Do you have a check made out to the Town of New Windsor?

MR. MURATARU: Yes.

MR. ARGENIO: As such, I will accept a motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board approve one year extension of their special use permit. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC_INFORMATION_-_MS4_ANNUAL_REPORT

MR. ARGENIO: Public information item MS4 annual report and Mark is going to represent this.

MR. EDSALL: Very quickly, the intent is to provide for an opportunity for some public input. The MS4 is the municipal separate storm sewer system program, it's a program in effect to take action to prevent pollution of the waters within the Town of New Windsor and throughout the state and country. Six items are part of the measures that are part of the plan, public participation, public education and outreach, elicit discharge detection and elimination, construction site storm water runoff control, post construction storm water management and pollution prevention good housekeeping measures. The program in short is a six year minimum or rather five year permit and the goals in that five year permit are being taken care of by the town as part of their enactment of the program. One of the elements of the program is to have public input as to what measures the town could add to the program or in fact if there are elements that the public sees pollution and could bring to the town's attention the public participation is helpful in that regard. And tonight is the annual public information public input portion. One of the key items and I'm going to just focus on that tonight is how it relates with the planning board. At most of the meetings there are projects where the storm water pollution prevention plan has become an issue, that's one of the key elements of the program is the construction related storm water discharges and pollution, 100 percent of the projects that meet the thresholds have been required to comply with the SWPPP as we call them requirements for a Storm Water Pollution Prevention Plan. That's handled both by the DEC and by the town under local law and that's what the board members deal with on a project-by-project basis. After the projects are approved, part of the SWPPP requires that if it's a

private improvement such as a site plan that there be a maintenance program recognized on the plan so that the facilities are maintained after the work is done and if it's a subdivision, a drainage district is created. Sometimes considered a burden, some problem to create the district and slow things down but it does provide for a long term permanent ability to maintain the facilities and share in the cost with those benefited. Mr. Chairman, I think I'll leave it at that because no need for me to talk all night, but it's a public input portion, I'll close by saying that the actual plan, the report will be available for review at the Town Clerk's office and I would suggest that after tonight the board leave any ability for written comment for ten days so that any comments could be received and shared with the Town Board and our office.

MR. ARGENIO: We'll do that. Thank you for your annual report on the MS4, Mark. That being said we'll move right to our first item on the agenda.

May 23, 2007

6

REGULAR_ITEMS:

MORONEY'S_CYCLE_SHOP_(06-23)

MR. ARGENIO: Moroney's Cycle Shop represented by Mr.
Shaw who I do not see in the audience so we're going to
go over to the second item.

NOWICKI_SUBDIVISION_(07-14)

MR. ARGENIO: Nowicki subdivision on Station Road represented by Tarolli. Is somebody here to represent this? This application proposes subdivision of total 116 acre parcel into 28 single family residential lots. The application is reviewed on a concept basis only. Sir, can I have your name?

MR. MARSHALL: Lawrence Marshall with McCurio, Norton & Tarolli.

MR. MARSHALL: What we have proposed is a 28 lot subdivision off of Station Road in the Town of New Windsor. We have 8 lots proposed directly off of Station Road, one existing house that will access the proposed approximately 2,700 foot linear foot town road, the remainder of the lots will access that we also have a proposed 800 foot private road coming off the proposed town road. The town road has proposed to add, to adjoin another application that's currently in front of the Town of New Windsor at the request of the town engineer, we had met with him several times, we have addressed all of his comments that he has regarding the plan.

MR. ARGENIO: What kind of comments did he have?

MR. MARSHALL: Well, before we had a little bit different layout, he had proposed, he requested that we show a private road to this back area here, we had some awkward looking lots to get access back here and he proposed, he requested that we show just a private lane to the back with four lots off of it.

MR. ARGENIO: Does he have an interest in this project?

MR. MARSHALL: No. We have shown the state wetlands as well as the federal wetlands over here, the storm water treatment retention area will be located on lot 9

towards Station Road as far down as we possibly to treat as much of the area as we can. The storm water treatment area we haven't shown it yet, what we propose in this area of lot 9 just outside of the federal wetlands we're going to propose it as far down towards Station Road as we possibly can to be able to treat the majority of the site.

MR. ARGENIO: What's the name of that road that's illustrated on the bottom left-hand corner of the drawing?

MR. MARSHALL: This here?

MR. ARGENIO: Yes, do you know the name of that road?

MR. MARSHALL: No, I don't.

MR. ARGENIO: Neil, do you know the name of the road?

MR. BABCOCK: It's actually in Blooming Grove, it's that new development just before you get to the line.

MR. ARGENIO: Is that the one that goes up the hill?

MR. BABCOCK: Pretty much goes flat into a cul-de-sac.

MR. ARGENIO: But in the back it goes up the hill a little?

MR. BABCOCK: Yes, it does.

MR. ARGENIO: Label that road.

MR. MARSHALL: In Blooming Grove?

MR. ARGENIO: Yes, label that. Go ahead.

MR. MARSHALL: We propose the state wetlands follows, comes down along Station Road here and we have proposed

driveway crossings along that, we have attempted to minimize those crossings to minimize the disturbance of the wetlands. This wetland is basically roadside ditch so we believe that we'll be able to get a permit for those crossings but we'll be pursuing that as this continues.

MR. ARGENIO: I'm going to tell you something about that area on Station Road on the west side of lots 2 through 7, lots 2 through 8 adjacent to Station Road, that area floods.

MR. MARSHALL: This area down here?

MR. ARGENIO: Yes, it floods and Neil lives there too, I'm sure he'll confirm that. So I have two pieces of advice to you relative to that, not only should you be careful not to exacerbate that situation in what you're proposing but it probably wouldn't be a bad idea if you had some type of proposal that had some type of swale or some such thing on the west side of those lots to catch that water to bring it to a central location where you will address the disposition of that water, be that your proposed pond or whatever your drainage course is, I don't know what exactly your drainage course is.

MR. MARSHALL: So you'd like us to collect this water and bring it somewhere else?

MR. ARGENIO: I'm telling you you should seriously look at that.

MR. MARSHALL: I just wanted to clarify what you were asking.

MR. ARGENIO: I'm not telling you how to solve the problem, I'm telling you there's a problem there and you should look at that because I'm sure that we're going to look at that. The other thing you should also

consider carefully is those driveways that go to Station Road making sure that you do converse with the highway superintendent and make sure that those culverts are sized appropriately Mark because we do have that flooding issue over there?

MR. VAN LEEUWEN: I have a ditch there too, maybe it's not a bad idea if you look into it but combining those driveways and making them closer together so you don't have so many exits on a town road.

MR. ARGENIO: If I can interrupt you for one second, I want to bolster Mr. Van Leeuwen's comment, I'm going to read a comment from highway, he says the highway superintendent states disapproved, he'd prefer two entrances, if possible, so he also is recommending in some way, shape or form some type of consolidation right along the lines of what Mr. Van Leeuwen just described. Mark, there will be a drainage district for this, is that right?

MR. EDSALL: Eventually they haven't even gotten into their SWPPP as of this time.

MR. ARGENIO: Neil, I interrupted you. Go ahead.

MR. SCHLESINGER: I don't know what highway's comments were, I'm sure they were for the most part relative to water but if you look at the little sight map on the right-hand side across from your project there there's a driveway which goes to the Rackowicki farm, I don't know, that's the next thing I was going to ask you, I don't know where that driveway is located relative to the houses you had proposed to Station Road but I will tell you this that there's a curve in the road there and I know that many cars have gone off into that field right after that driveway if you were going south.

MR. MARSHALL: The one that you said floods?

MR. SCHLESINGER: Well, the flood issue is a very dominant issue but what I'm trying to say is the way you have these houses here I don't know where the Rackowicki driveway is.

MR. BABCOCK: Right there by your hand, see the bottom of the arrow right there, there's the road going in, the driveway.

MR. SCHLESINGER: I see it, okay, so I would say right opposite lots 6 and 7 right in that curve in the road there, you know, there's, I've seen many accidents where the cars have gone off the road on the west side of the road cause they don't maintain the curve in the road. So that's just something else you can, you may want to address there because probably not a great place for a driveway.

MR. ARGENIO: I want to read a portion of Mark's comments, number 2 as well, the board should note the proximity to the adjoining Rackowicki subdivision, for planning purposes I point out the possibility of a roadway cross connection between the two applications, both of which do not have final approval at this time. My predecessor on this board was always a big advocate of that trying to connect subdivisions when we can for fire issues and safety issues and I think it was a good idea and I think these guys feel the same way, I think you should look into the possibility of connecting those two. Danny, how do you feel about that?

MR. GALLAGHER: I agree.

MR. BROWN: Yes, good idea.

MR. VAN LEEUWEN: Absolutely.

MR. ARGENIO: So you should look into that. You said you've had some dialogue with that.

MR. MARSHALL: Just so that you're discussing this subdivision?

MR. ARGENIO: Yes, connecting somehow with that from your cul-de-sac to whatever road system they have. I don't have their plan committed to memory, it would be good if you can look into that. As a matter of fact, a few years ago Mr. Van Leeuwen had a subdivision and we had him connect into something else that was going on in the west end of the town.

MR. BABCOCK: Mr. Chairman, on the tax map plot up in the right-hand corner the Rackowicki subdivision you're referring to is outlined in blue, see it, so you can see subdivision lot 4 and 5.

MR. ARGENIO: It's kind of nice the cul-de-sac is right on the property line.

MR. BABCOCK: Yes.

MR. MARSHALL: Actually, we took a look at these two lots to make sure if we were to take 25 feet on either side the lots weren't destroyed and there's a little bit of play in those lots that would allow you, allow us to continue that through to a connection without destroying those lots.

MR. ARGENIO: You should be advised too that from a technical point of view Mark has a comment where he states that you use a hundred scale here and some of your lots are exactly at threshold of the Town Code. We certainly will be looking for a drawing that's less than a hundred scale at some point in time. This is the first time we're looking at this. Guys, does anybody else have anything jumping out? We certainly have an opportunity to look at this a few more times. I tried to touch on the high points because I happen to live in the neighborhood but if there's anything else.

MR. VAN LEEUWEN: No, the driveways is the thing that I was concerned about cause you've got a lot of maintenance.

MR. ARGENIO: I'm told by the secretary that you do have a copy of the municipal comments. Also we're not going to send you to county yet, you don't have a version of plans that has a level of completeness that would warrant that type of thing. We don't have the pond in there, there's a lot of things, you know, he addressed here and we've discussed before, this board has discussed before the importance of trying to send plans to county that have a relative level of completeness as far as we're concerned.

MR. VAN LEEUWEN: Some of the lots show the frontage and some of the lots don't.

MR. BABCOCK: Which lots are they?

MR. ARGENIO: Henry's saying that the metes and bounds are shown at the front of the lots on Station Road, Michael, whereas the metes and bounds are not shown on the lots that border the proposed town road.

MR. EDSALL: I'm sure they haven't laid out the interior lines yet, I'm sure.

MR. MARSHALL: This is really in sketch plan phase, we wanted to bring it in front of you to get your initial comments and iron out any large issues before we pursued any sort of detailing.

MR. ARGENIO: Mark, what about lead agency? I don't see anywhere where that's spoken to.

MR. EDSALL: I don't know that we have a full EAF on this.

MR. CORDISCO: No, in fact, there's a short form EAF

and for a project of this scope, we really need a long form EAF.

MR. EDSALL: That's my comment 5 is looking for a full EAF then we have something to circulate.

MR. CORDISCO: I'm sure Mr. Tarolli included a short form just to say that the application was in and to get before us tonight but really in order to make any real decisions on lead agency and because there are wetlands here there certainly would have to be circulation done but the long form is essential to that.

MR. EDSALL: The other issue which I think we need to not expect fully this applicant to deal with was they have shown the road right up to the Highview Estates subdivision to the back of their property, I think what we should do is forward a copy of this plan to the adjoining subdivision who as indicated does not have final approval and indicate that the board has shown an interest in having the cross connection and ask that they evaluate it on their side of the property line.

MR. VAN LEEUWEN: That's an idea, excellent idea.

MR. ARGENIO: I agree too.

MR. EDSALL: At this point they can add that to their final plans.

MR. ARGENIO: Take a close look at your drainage, your runoff cause you have some steep contours in the back and the public hearing on this that could become an issue, that could become an issue. I don't, I'm not addressing anything specifically, I'm addressing it globally, take a closer look at that so we're not flooding anybody out here, that's important, very important. Do you guys have anything else? That's it. Thank you for coming in.

May 23, 2007

15

MR. MARSHALL: Thank you very much.

SISTERS_OF_THE_PRESENTATION_(07-15)

MR. ARGENIO: Sisters of the Presentation of the Blessed Virgin Mary site plan. This application proposes group residence complex at the south end of the property. The plan was reviewed on a concept basis only. Sir, can I have your name please?

MR. NEILER: Eric Neiler and this is Sister Catherine and Henry Leyen.

MR. ARGENIO: The record should reflect that I am Catholic and in no way will that affect my decision on this.

MR. NEILER: The Sisters of the Presentation owns a large parcel of land, about 87 acres on the corner of Route 207 and Jackson Avenue. Existing buildings are shown here at the corner of the property and the entire parcel is this sort of shape. Subject of our project is a new convent essentially which is a small complex of buildings that are built at the southern end of the property sort of the highest part of the property, nice views, reflects sort of downsizing of the order as the original buildings were built to house a much larger group of people, still lived in and used as there's a number of schools that sublet space and Montisore School and Daycare Center and some other activities but this project is going to be a group home, ten bedroom one story building, seven residences for the sisters ranging in size from two bedroom to five bedroom and one residence for the caretaker, Mr. Leyen, and a small admin building that will take over some of the functions housed in the administration center and the existing facility. The property is going to be accessed from Jackson Avenue through a loop road around the property and we placed the parking off to the perimeter of the loop road sort of accessible to each one of the groups and it's all sort of built around an idea of a shared open space. All the buildings are

going to be looking in on this sort of common open area that takes advantage of the orientation of the property which is essentially along this long north-south access giving the best exposure to the sun and views as possible. And we're going to be serving with a well and septic system. This area back here along this back part of the property is going to function as our leaching field and expansion area, we'll have a well, it will serve all the buildings and storm water retention is going to be handled in this area here, again down the slope and eventually discharging across the road, across Jackson Avenue.

MR. VAN LEEUWEN: How many nuns are going to live there?

MR. NEILER: Well, it will be ten I guess it's a total of 40 bedrooms.

MR. ARGENIO: You may have said it and I missed it, I was talking with Henry, is it like a dormitory type situation?

SISTER CATHERINE: No, they're individual rooms for senior sisters.

MR. NEILER: So, for example, this building with ten bedrooms sort of communal living and dining but each person has their own separate bedroom and bath and some support spaces, there's a chapel which is used by all the sisters who live here actually open to the public.

MR. ARGENIO: That's a good way to describe it, senior housing for the sisters, that's what I had in mind when I saw this. I want to, everybody, my fellow members take a look at this, this is our first look at this but I'd just like to go through a couple things that Mark had quickly. I'd like to read a couple comments to you, sir. If you'd you be kind enough, it would be helpful if the zoning district lines were depicted on

the overall plan. The bulk information shown on sheet A101 is correct, the table should be made complete with the addition of the developmental coverage requirement. The site appears to easily meet the bulk requirements. Mark also has a comment here and this is something that I typically pick up on rather quickly with on the driveway coming in the side slopes are kind of steep, you should consider a guardrail on the downgrade side and I would like to ask you on page C1 are you going to submit to us more detail of the parking and driving areas or is this going to be the drawing for the parking and driving areas?

MR. NEILER: When you say the drawing we'll complete eventually details of curbs and handicapped spaces.

MR. ARGENIO: The question that goes through my mind is going to be that secondarily but primarily where are you going to have curb and where are you not going to have curb? I'm certainly not telling you you have to curb the whole site but by looking at this it's kind of difficult to determine where the curb is going to be and where it's not going to be.

MR. NEILER: That's a good question, I mean, we're trying to, maybe I can back into that sort of a little bit without getting long winded. The intention is to primarily keep circulation on the inside of the site so we're probably looking to minimize curbs around the roadway here, we've got some pretty steep grades, I'm sure we'd have a curb along this side at the very least.

MR. ARGENIO: Catch the water and put it in a catch basin so it doesn't erode the surface. I don't think anybody here would have a problem, I don't want to speak for everybody but I don't think anybody has a problem with a judicious use of curbs but we'd like to be able to see where they are. We'll also need an illustration of the location of your refuse enclosures,

certainly you're going to have dumpsters and such.

MR. NEILER: We'll probably be doing trash compaction with a little enclosure and compactor here in this area, sort of adjacent to the kitchen, actually, here but sort of a conveniently discreet area for that.

MR. ARGENIO: Neil or Howard, do you have any other comments?

MR. SCHLESINGER: I have a couple questions. Generic question is is this mini campus if I can call it something like that house that related to what you use the front area for?

MR. NEILER: The front area will be continued to be used by the AHRC and the other people that are currently running the school.

MR. SCHLESINGER: There's a school there, is that correct?

SISTER CATHERINE: There's four schools there.

MR. SCHLESINGER: And that's through high school?

SISTER CATHERINE: No, no, they're all either pre-K to I think the highest goes to the Montisore goes to I think the eighth grade.

MR. SCHLESINGER: And will the people living in this area be working, assisting or guiding anything?

SISTER CATHERINE: No, it's two separate entities.

MR. SCHLESINGER: You said there's going to be a chapel there that will be open to the public as well?

SISTER CATHERINE: The present chapel is open to the public so on Sunday people come to mass there and

that's going to happen when we go up to the hill also.

MR. ARGENIO: That doesn't apply to you, Neil.

MR. SCHLESINGER: But the chapel that's existing already right now?

SISTER CATHERINE: Yes.

MR. NEILER: This one is and these are all totally new.

MR. SCHLESINGER: But there's a chapel there also?

MR. NEILER: Yeah, right here actually.

MR. SCHLESINGER: And--

MR. NEILER: Thirty seats.

MR. SCHLESINGER: Mark, item 1 the use is an A6 in the R-1 zone, places of worship including parish houses, what does that mean?

MR. EDSALL: Having run into this numerous times there are certain accessory or ancillary uses that are commonly paired with religious facilities, it's very common to have schools run by the order, run by different groups so you end up many times having a variety of uses, although they all fall under the umbrella of the religious operation. So I have identified the A6 use which is the use that they're operating under currently as the umbrella group as it may be now obviously the board has the ultimate decision but that's as I saw it it's all part of that overall use.

MR. CORDISCO: If I can expand on that, the law has been very clear that there's broadly interpreted places of worship should be broadly interpreted.

MR. ARGENIO: They have a lot more latitude.

MR. CORDISCO: Yes, yes, to include rectories, to include dormitories and chapels and such things that are truly accessory to the religious use as Mark pointed out.

MR. SCHLESINGER: Item 7 review by the town highway superintendent required for non-residential access drive curb cut to the town road.

MR. EDSALL: That's a normal review, I can tell you that the applicant and their consultants have been very progressive in the workshop relative to addressing comments we start off very concerned about providing safe access, the slope, so the 10% is not a coincidence, I'm sure it took a lot of work to make it fit.

MR. ARGENIO: You're moving a lot of dirt to get to that point.

MR. SCHLESINGER: By non-residential.

MS. EDSALL: It's not a single family house so therefore Mr. Fayo asked to review it as more or less a commercial access but I don't see any problem, they've done a good job on controlling the slopes.

MR. BROWN: Can I ask what type of lighting is going to be used in that area?

MR. NEILER: In this area you mean the entry or just through the complex?

MR. BROWN: Throughout.

MR. NEILER: We're going to try to keep the lighting levels down to certainly a residential standard, at the most the intention of this sort of the, is sort of

village idea we're going to keep the lighting down to what you'd expect to find in a residential area with provisions for this turn here, maybe guardrail suggestion, maybe we need some light.

MR. ARGENIO: Remember it's not a commercial facility, it's not going to be like Shop Rite.

MR. BROWN: It's going public, going to have access.

MR. ARGENIO: I think you should, the chapel.

MR. NEILER: Certainly people visiting.

MR. ARGENIO: Chapel's in that area as well.

MR. NEILER: Yeah, the chapel's actually right here and this is the group home and admin is here so there could be people coming to this building, important meetings and such and people coming here parking here.

MR. ARGENIO: So you need to take a look at that, the lighting, make sure it's accurate for what you're doing.

MR. GALLAGHER: I only have one question, that is the width of the road, seems like it's, it gets a lot thinner around the back, was that purposely thinner?

MR. NEILER: Actually, I met with Mr. Bedetti after the last workshop to go over the widths of road and he asked that our two lane drive be 30 feet wide instead of 24 and then but our intention was to single lane on the back by circulating this direction actually and that be 20 feet.

MR. GALLAGHER: One way around the back?

MR. NEILER: Yeah, going from this point to here will be one way. Actually wanted to ask if we could

have, if we could continue discussion about the road widths, if we can go down to 24 and 12 it would sort of minimize the storm water.

MR. ARGENIO: That's going to be to a great extent determined by the fire inspector. We typically don't get twisted up about that on this level because the firemen have a standard that they need in the event of an emergency so he's going to drive that.

MR. VAN LEEUWEN: I'm all right.

MR. ARGENIO: Couple things just real quick that I want to get procedural items relative to your septic system, it's huge, I'm sure it's huge for a reason, you need to verify, I'm sure somebody else at the county level I assume this has to go to the County?

MR. EDSALL: It does.

MR. ARGENIO: I'm going to tell you make sure there's no wells in the area, doesn't appear that there are but you don't want to be too close to anybody's drinking water source, even if you meet code with a system that big probably a good idea to make sure you have a substantial buffer between the system and their well.

MR. VAN LEEUWEN: Is there any houses in the back here?

MR. ARGENIO: At the top of your page.

MR. NEILER: There's nothing in this direction for quite a distance, their closest neighbor is here on this side there's a single-family house here.

MR. ARGENIO: Mrs. Fayo, so you better keep the highway superintendent happy.

MR. VAN LEEUWEN: Otherwise she'll be in here.

MR. NEILER: Try to keep everybody happy.

MR. LEYEN: She wants to come up for coffee already.

MR. ARGENIO: That's a very good start. I'm going to read this comment. Once the board accepts the layout, I suggest a letter be authorized to communicate letter of acceptance to the Orange County Department of Health, since there's no such thing as preliminary site approval that refers to the septic area. I don't think anybody has a problem with that, nobody made a comment so do we have to authorize you to do that?

MR. EDSALL: No, just as long as that's fine, I can send that over so they're aware the board's seen it, we'll need to, I don't know that I have, if I have listed it or not, we do need to start SEQRA and we would probably I think for this need a full EAF and I would think these plans should be adequate, I don't know that we need to have a lot more detail on the storm water for the circulation, so if we can just get a full EAF we could start that ball rolling.

MR. VAN LEEUWEN: I wonder what the perc is?

MR. EDSALL: Health Department will do all the field reviews.

MR. ARGENIO: Typically, Henry, before you came on the board two years ago, any time we had perc tests that were in the west end of the town and the county wasn't going to review it, we insisted on having Mark's office go there with the design engineer and witness the perc test just because we discovered what you know already from being on this board for so many years, the perc in the west end of the town is terrible and that's probably one of the reasons you guys have such a big system.

MR. NEILER: We've done some perc tests already. In

the primary area we got 30 minute perc test results.

MR. ARGENIO: That's good.

MR. NEILER: But in the replacement area there's 60 minutes, that's why the system is that large.

MR. ARGENIO: So, Mark, can we, do we have any an issue with circulating?

MR. EDSALL: No, as soon as I get the full EAF, get this in to Myra and coordinate with Myra, if she needs any additional sets for the circulation we'll get that done. Once you're ready to go to the health department just let me know and I'll have a letter prepared that advises the County Health Department the board has no objection to them proceeding with the review.

MR. ARGENIO: How do we handle the public hearing? The only neighbor is Mrs. Fayo who I don't know, Henry seems to know her and there's no other neighbors.

MR. LEYEN: She said she'll come right here.

MR. ARGENIO: Let's do that, that's perfect. Do you guy's feel that's okay? There's no neighbors here. Neil, actually, you know what, let's not do this too informal, I'm going to poll the board like we usually do. Neil, how do you feel about the public hearing for this application?

MR. SCHLESINGER: What do we have there, Jackson and what's the other road?

MR. VAN LEEUWEN: Jackson Avenue.

MR. NEILER: And 207.

MR. SCHLESINGER: What's the road that's dividing Fayo, that's Jackson?

MR. NEILER: She's right here.

MR. SCHLESINGER: There's a roadway right between there, right?

MR. BABCOCK: It's a driveway to her house.

MR. NEILER: I don't even know where the next road is.

MR. SCHLESINGER: So there's nobody around.

MR. VAN LEEUWEN: Also nobody across the street, it's all open land.

MR. GALLAGHER: I don't mind that we waive it. Are we still going to somehow--

MR. ARGENIO: Notify Mrs. Fayo, yes.

MR. VAN LEEUWEN: As long as we notify Mrs. Fayo it's okay with me.

MR. ARGENIO: Let's notify Mrs. Fayo and hear from her either via letter or have her stop in. I don't have any preference but I certainly would like to hear from her.

MR. CORDISCO: I realize that you polled the board but a motion--

MR. ARGENIO: We'll do the vote, not to worry, Dominic, his job is to keep me out of trouble, he does a good job at it. So let's, I'll accept a motion we waive the public hearing but we do notify Mrs. Fayo and hearing from her in letter form or personally is going to be prerequisite before we vote on this.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing subject to what I just read in. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark, I don't see us going to county, do you?

MR. EDSALL: Well, purely for the Department of Planning, no, I think what we need is just maybe the next iteration of plans.

MR. CORDISCO: And if I may add the long form EAF that's part of the mandatory county referral, so I think the board could authorize circulation for lead agency and referral to County Planning based on the revised plans and receipt of the long form EAF if you think that that's appropriate.

MR. EDSALL: We'll take care of it.

MR. ARGENIO: I want to see those plans.

MR. CORDISCO: Before you authorize.

MR. ARGENIO: I think so. Do you agree?

MR. VAN LEEUWEN: Yes, before we send them to the County, yes.

MR. CORDISCO: You could authorize circulation for lead agency however.

MR. ARGENIO: Do we need to vote?

MR. EDSALL: Just tell me when it's in, we'll take care of it.

MR. ARGENIO: Anything else on this? Thank you for coming in. Good luck to you. The joke about the church is the fact that Neil is Jewish, he happens to be a very close friend of mine and I took the liberty to make a little joke. Just so everybody knows there's nothing underhanded or secret about it.

SISTER CATHERINE: You can come and see what it looks like when it's finished.

MR. SCHLESINGER: Thank you.

GATEWAY_MEDICAL_PLAZA_SUBDIVISION_(WILLIAM_HELMER)_

(06-29)

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: This application proposes subdivision of 15.6 acre parcel into two lots. The plan was previously reviewed at the 8 November, 2006 planning board, 10 January, 2007 planning board meeting. Is there anyone here to represent this?

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: Go ahead, Mr. Helmer.

MR. HELMER: We have submitted again per comments from the planning board and from Mark some revisions to the drawing for simple 2 lot subdivision.

MR. ARGENIO: Applicant has submitted his storm water prevention plan. The bulk table has been corrected as requested according to Mark Edsall. The road construction detail has been revised and now does not conform to town codes. How does that work?

MR. EDSALL: It didn't get fixed correctly.

MR. VAN LEEUWEN: Never was.

MR. EDSALL: Wasn't right last time, we can I'm sure straighten it out.

MR. VAN LEEUWEN: I think you can go back in the records and check that the board made a vote that there be no further subdivision until these roads are put in place and done correctly.

MR. EDSALL: This is referring just to the note.

MR. VAN LEEUWEN: Nothing's been done.

MR. HELMER: Oh, it has been done, sir.

MR. VAN LEEUWEN: You can't prove it by me. I was in there yesterday, nothing done down there. Those roads aren't up to town roads, you know that and I know that.

MR. HELMER: They're not ready for dedication and not up to town specs but we corrected all the problems with the road.

MR. VAN LEEUWEN: Not the way I put roads in.

MR. ARGENIO: I'd like to hear from Mark. Can you share some thoughts with us relative to the comment that Mr. Van Leeuwen just made?

MR. EDSALL: Are we speaking now about the Wembly Road versus Executive Drive?

MR. VAN LEEUWEN: Both of them, we've had trouble with this subdivision from the day it went in, okay, nothing has ever been done as the board has requested. I've been here a long time, most of you know that, okay, nothing has ever been done and there's a vote and there's a, that the board voted unanimously on no further subdivision until the roads are fixed and I stand by that, I will not vote on it.

MR. HELMER: I'd like to comment if I could.

MR. VAN LEEUWEN: Go ahead.

MR. ARGENIO: Go ahead.

MR. HELMER: An agreement was made between the town and I several years ago that Executive Drive which the town completely removed and put in a new sewer line 36 inch

line I think it is or 30 about eight, nine years ago when it came from the airport down through our property. The agreement was that there would be no charges on our part, they would dig the road up, replace it and it would be dedicated and the sewer contractor as I understand it got into a lawsuit with the town and never completed the work and I don't know the results of that, I've met with the town attorney and he was trying to look in the records but he acknowledges that the road was completely removed by the sewer contractor and if there's anything wrong with the road, he was supposed to repair it.

MR. ARGENIO: Mark?

MR. EDSALL: There's definitely a difference between Wembly Road and Executive and Mr. Helmer's absolutely correct that sewer district 20 for the town which was the interceptor line 30 inch line did run down Executive Drive and there was a lot of reconstruction done and I believe that the road cross-section in Executive Drive is substantially different than Wembly and one of the things that--

MR. ARGENIO: Wait a second, the existing road cross-section prior to construction?

MR. EDSALL: Right now as it stands I believe the pavement thickness and the construction of Executive is in fact a heavier construction than what's on Wembly, mainly because just as was indicated it was a town construction project and the restoration work was done with newer standards than were in place when Wembly was built.

MR. ARGENIO: So what you're saying is that when Wembly was built it was constructed according to a standard which was a lesser standard than we have in existence in this town today?

MR. EDSALL: That's true and I wouldn't sit here telling you that I believe the entire road was built in conformance with even that standard.

MR. HELMER: No, the Highway Department inspected that road, made us replace a piece of the base that's never had a top put on it which we have all agreed upon because it's not ready for dedication but it was put in and inspected by the Town Highway Department.

MR. VAN LEEUWEN: At the time that happened Skip Fayó was the Highway Superintendent and he turned it down.

MR. HELMER: No, he turned it down, we put up a bond and we come in and finished it to his specifications.

MR. ARGENIO: Was it finished?

MR. VAN LEEUWEN: No way.

MR. HELMER: Those were the days when he didn't want Item 4 as a base course, he wanted rip-rap and heavy shale, we removed the Item 4 and put in a foot of shale and he was happy with that.

MR. ARGENIO: You're talking about Wembly Road?

MR. HELMER: Wembly Road.

MR. VAN LEEUWEN: We should all take a ride down and check it out, guys, that will tell the story right there.

MR. HELMER: We spent the last fall some 50, \$60,000 repairing it and it's not, it does not have a top on it but that's not the subject of this application.

MR. ARGENIO: That's right, there's two things here and I'm going to look to Dominic.

MR. VAN LEEUWEN: It's one piece of property.

MR. ARGENIO: I'm going to look to Dominic here a little bit on this and Mark, I know Dominic doesn't have the history, Mark certainly does. I also don't have the history here with this project. What about some statement, vote or otherwise that was made prior tonight many, many years ago that says no further subdivision of these lands will be allowed until the road is fixed? What about that?

MR. CORDISCO: Well, it's hard to comment on as you say without knowing the history and I would want to go back and take a look at in what context was that statement made and if it was a condition.

MR. VAN LEEUWEN: I can tell you approximately when, approximately ten years ago, okay, but it's in the files, that I do know.

MR. HELMER: Since that time we spent over--

MR. ARGENIO: So much has happened.

MR. HELMER: --over \$150,000 on a new drainage system which Greg Shaw designed and we installed that was inspected and approved by the town and this last fall we went in again and did another on the road but I admit the top course is not on the road but the road meets the specifications at the time we got the original subdivision plan.

MR. ARGENIO: You know what, I'm not going to haggle about that because I don't have the ability to haggle on that. I'm going to tell you how I feel and I'm only one member of this board, I'm only one member and I have only one vote and but I'm going to express my opinion and then I'm going to poll the other members, I certainly can understand what Mr. Van Leeuwen is saying, I've been up there as recently as three weeks

ago or a month ago I was at the Ditch Witch store down in the back and Wembly Road is rough, that was ten years ago, so many things have happened since then, so much wear and tear has been imposed upon that road and our specifications and standards have changed many times since then as our administrations have changed. So in my opinion I believe we should review this application on its merits and move forward with it, whatever the case may be, but I also think that we should investigate some of the things that Mr. Van Leeuwen has brought to light here tonight so we can have a good understanding as we move forward because there certainly was a lot more property down there on Wembly Road. Neil, Howard, somebody have an opinion?

MR. SCHLESINGER: I believe that this applicant is before us not too long ago, is that correct? And there was some conversation about the roads and I think that maybe that it should have been addressed so that we could avoid that part of the discussion and go on from there and I think that, you know, I think you should put the horse before the wagon.

MR. HELMER: In that case, I met with the town, I made an appointment, met with the town attorney, we went over everything.

MR. SCHLESINGER: Well we're up in the air, we don't know.

MR. VAN LEEUWEN: I can tell you one thing, just go down, take a look, that will give you all the answers you want to see, you'll see with your own eyes.

MR. BROWN: When was the vote on the no subdivision until the roads are fixed?

MR. VAN LEEUWEN: About approximately ten years ago I was on the board then, I was not chairman, I think Jim Petro was the chairman in those days I think.

MR. SCHEIBLE: I was never on when Jimmy was here but I remember discussions beforehand, yeah.

MR. VAN LEEUWEN: Hank was around in those days, he remembers discussions, I don't know if he was here when the vote was taken.

MR. SCHEIBLE: I was on the board when the original site plan was brought in.

MR. BROWN: I mean a lot has happened in ten years like you said.

MR. VAN LEEUWEN: But the road was never put in right and I'll tell you something if Skippy was around he can tell you.

MR. ARGENIO: It's unfair to go down there today and look at the road and say it's this or it's that ten years later, that's unfair to anybody. But what is fair is if somebody didn't live up to their agreement well then that's a problem. I think the two are different issues in my mind I try to divorce the two. Danny, how do you feel about this?

MR. GALLAGHER: I really have to look into it and find out more about what Henry was saying about the road, I mean, I don't know.

MR. SCHLESINGER: I don't believe a visual is the answer, I think we just look at the files.

MR. VAN LEEUWEN: Pull the files, no problem.

MR. SCHLESINGER: That's why we have boards, that's why we have Myras and that's why we have everything else, look at the files and go from there.

MR. ARGENIO: Mark, give me your thoughts on this.

MR. EDSALL: I believe that Wembly Road needs a lot of work but my concern is that you are tonight processing an application on a completely separate road and what repairs or reconstruction may be needed on Wembly may not be pertinent to a lot off of Executive Drive. Obviously, it's all part of the same park so we can't forget about the other one, we can't forget about traffic improvements that need to be made because in the last 10, 12 years traffic has changed, some new initiatives that we should probably be looking at and I've talked to the chairman about those. So I wouldn't say ignore Wembly Road but I'd say when you do reach a conclusion it should be staged so that it's based on what road you're reviewing at the time.

MR. ARGENIO: Okay, Mr. Helmer, what I don't want to do is I don't want to be unfair and I don't want something spun against you but I can certainly hear in at least four of the other board members' opinions they want more information about this issue that Henry Van Leeuwen has brought up.

MR. HELMER: That's on Wembly Road.

MR. ARGENIO: That's on Wembly Road, right, and the relationship between Wembly Road and this project on Executive Drive they're looking for more information and for me to force this tonight which is unfair I think it's going to have a negative spin and that's unfair to you. So here's what I'm going to do. What I want to do is I want to table this application for tonight, Mr. Helmer, I want to table this application for tonight, I'll put you on the agenda for the next meeting, I'll see to it that that's done regardless of how full or how not full it is. And I want the other members to see themselves as to where we are and Dominic I want to know where we are legally, I don't want to know opinion and conjecture as it relates to something that was stated ten years ago, I want to know

legally because that's what drives this, if there's an action against the town it's going to be driven by the law, not opinion, conjecture or any other thing.

MR. CORDISCO: Understood.

MR. ARGENIO: So Mr. Helmer, I'm sorry for the inconvenience but I'll tell you that it's two weeks, our next meeting is in two weeks and I give you my word I'll see to it that everybody does what they need to do to get the ducks in a row and you'll be on the next agenda unless there's something here that I'm missing. Mark, is there anything else here that I'm missing with this application? I mean, I see a lot of innocuous things here.

MR. EDSALL: No, they do have some final minor corrections to make on the SWPPP and the drainage.

MR. ARGENIO: What about the next application, Mark?

MR. EDSALL: It's the SWPPP and the drainage are identical, they're interrelated cause it was one report, so other than that, I believe the next application is in a similar condition relative to--

MR. ARGENIO: The issues that are out there are relatively innocuous?

MR. EDSALL: Yes.

MR. ARGENIO: Dominic, I don't want any ambiguity with this, okay?

MR. CORDISCO: Understood.

MR. ARGENIO: Check it out get on it, figure it out whatever it is, get with Mark Edsall and let's find out what we're doing here.

MR. CORDISCO: Understood.

MR. ARGENIO: Mr. Helmer, I'm sorry for that but it is what it is.

MR. HELMER: What disturbs me is the fact that we were here about two months ago, asked me to do that and I did exactly what I was asked to do and went to the town attorney's office, went to everybody's office, tried to get it straightened away.

MR. ARGENIO: Just but for some dumb luck we might have been able to tie it down because Michael Blythe was sitting here for the first half of the meeting, if he was still here I would certainly look to him to get his opinion and but he's not here and I can't help you control that.

MR. HELMER: The story was I spent four hours in his office, they went through all their records, he couldn't find the record, they went and tried to find files in other town files or something, unfortunately, it's 20 years ago.

MR. ARGENIO: You heard what I said, you can't, you know what business I'm in, you know what I do and I made the statement you can't look at a road that's ten years old and expect it to perform the same as it did ten years ago. That's it. I want to get the information, Dominic, get on this, I want to know what's going on, Mr. Helmer, if you so desire I'll have you on the next agenda and we'll move forward.

MR. HELMER: Well we certainly desire because I'm holding up the applicant for better or worse.

MR. EDSALL: Three weeks because we have five Wednesdays this month.

MR. CORDISCO: It's June 13.

May 23, 2007

39

MR. HELMER: Since we started we've got a million dollars worth of rateables and we're paying taxes, I want to get it straightened out just like you.

MR. VAN LEEUWEN: We all do.

MR. ARGENIO: Thank you for coming in.

MORONEY'S_CYCLE_SHOP_(06-23)

MR. EDSALL: Actually what happened with Maroney's was it was hung up waiting for I believe the County's response, correct me if I'm wrong.

MS. MASON: Right.

MR. EDSALL: And everything else was in order and we discussed the fact as to the need for Mr. Shaw to come in just for the formality because we were just waiting for the County's response. We now have it. So it's in my opinion ready for approval and I would suggest that the board authorize the attorney to prepare the appropriate resolution. I will coordinate with him and authorize the chairman to sign the resolution once it's prepared.

MR. ARGENIO: They received their zoning variances?

MR. EDSALL: Yes.

MR. ARGENIO: No issues?

MR. EDSALL: No, this is the case we have now since we have the new 239 referrals to the County, we just can't do things in the same, we get hung up.

MR. ARGENIO: Do we need to declare a negative dec under SEQRA?

MR. CORDISCO: Yes, yes, it would be resolutions to adopt the negative declaration and also to authorize approval of the site plan.

MR. EDSALL: Just site plan. Just for the record, you took lead agency on March 14 and on the same date you waived the public hearing and it did go to the Zoning Board and they achieved their variances.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on Maroney's site plan and authorize Dominic to prepare the resolution, final approval and me to sign it. Motion has been made and seconded to that effect. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

DISCUSSION

DAYS_INN_-_REMOVAL_OF_TREES

MR. BABCOCK: I can tell you what happened. The applicant came to me and wanted to cut down some trees up by the Days Inn behind Steak and Stein behind Johnny D's and I took a ride up there to try to understand what he wanted to do and it was a quite a large cluster of trees in my opinion and then behind the trees through the trees I could see a single-family home back there.

MR. ARGENIO: The residences along Liner Road?

MR. BABCOCK: That's correct and it made me a little concerned about taking that buffer from the residential to the commercial out so I suggested that he come in front of this board and talk to you guys, I don't know what the reason was, I personally didn't talk to him what the reason was but he wants to take that out.

MR. VAN LEEUWEN: Well, that's the motel up on top.

MR. BABCOCK: This is the owner of the motel.

MR. ARGENIO: You're looking at the motel guys and to the right is a field that's wooded, I guess, and to the right of that is Liner Road which was cut off by the Thruway however many years ago.

MR. VAN LEEUWEN: Forty or fifty years ago.

MR. CHOE: I have a few pictures her.

MR. ARGENIO: What's your goal, Mr. Choe? First of all, your name please and address.

MR. CHOE: Victor Choe, C-H-O-E, I'm the owner of the motel. We do have a power line along here and

telephone line goes this way, every year we do have a problem either with the power line or--

MR. ARGENIO: Trees fall on the wires?

MR. CHOE: Yes.

MR. ARGENIO: Is it your goal to clear the trees from around the wires?

MR. CHOE: These trees keep on dying so this time this one this is all clear, there's no trees, just flat land so it looks very clumpy here so I'm thinking when we just cut down these trees just clear the whole thing, make nice like mound so we can plant grass so it looks nice so we can get rid of the problem with the telephone line and as a matter of fact, they come out few times cut the trees but still doesn't solve the problem. One time we had a big problem here, tree knocked it down and we just had in the swimming pool knocked down so I'm afraid it's going to be a major problem trying to clear this land and make nice rolling hills.

MR. ARGENIO: Mike, you've been there?

MR. BABCOCK: Yes, I have.

MR. ARGENIO: Just one thing, Henry. You said make nice rolling hills, are you asking to clear the property or to clear and grade it?

MR. CHOE: I'm trying to clear and grade.

MR. VAN LEEUWEN: What about burying lines underground from the property line over to the buildings then your problems are over with?

MR. CHOE: What did you say?

MR. VAN LEEUWEN: Bury the lines underground.

MR. CHOE: There's no line here except there's a power line going to Johnny D's here, this one is, they all follow this line but in here I don't see nothing in here though.

MR. SCHLESINGER: The line going to Johnny D's is above or below ground?

MR. CHOE: This is following this line is underground, we're not going to touch that.

MR. SCHLESINGER: No but it's underground?

MR. CHOE: Right.

MR. SCHLESINGER: And the line that's above ground feeds the motel?

MR. CHOE: Right.

MR. SCHLESINGER: Hank is suggesting you take that line and put it underground.

MR. VAN LEEUWEN: That's the best way then you're done, you leave the buffer there and everything else.

MR. ARGENIO: I believe he wants to clear the property and the lines are just one of the, on the list of reasons.

MR. VAN LEEUWEN: But then he takes the buffer away.

MR. ARGENIO: Yup. Mike, you've been there, please share with the members what you feel the intent is there and what you feel the affect would be.

MR. BABCOCK: The concern I have is the buffer between the residential and this commercial site there's a

parking lot on this end of the building right now when you pull up into that roadway you'd like to make a right, he's got that blocked off so you have to go in front I assume for visibility but when you make the turn your headlights are going right back in the direction to the parking lot, that was my concern you're going to shine your headlights at those houses.

MR. ARGENIO: Those people are going to be calling Town Hall saying the trees that have been there for 50 years are now gone, it's going to be a problem but they are Mr. Choe's trees.

MR. BABCOCK: That's correct, I mean--

MR. CHOE: If you have some concern this house here this commercial property.

MR. ARGENIO: Mr. Choe, let me interrupt you, I'm going to offer a suggestion and if any of the members disagree please chime in. What I think you should do is you heard Mike Babcock's concerns that we don't want to have a problem with the neighbors calling up and raising a ruckus and nobody's knows what's going on, I think what you should do is you should mark on that plan the limit to which you would like to clear to mark with a marker on the plan the limits which you would like to clear to this.

MR. CHOE: If I have a choice.

MR. ARGENIO: Present that to Mike Babcock, that's what I think you should do. Mike, if it's innocuous go ahead and do what you have to do. If it's substantial where you think it's going to represent a problem with the people on Liner Road Mr. Choe doesn't have to come back, I think you can come here with it and represent it.

MR. CHOE: Okay.

MR. ARGENIO: But do you guys agree with that, does that make sense?

MR. BABCOCK: If anybody's going by there just swing up in there.

MR. VAN LEEUWEN: I'll do that.

MR. SCHLESINGER: You said if you have a choice, I mean it's your property so you have a choice. Our concern is the people who live on the road they have been used to having some sort of buffer zone and we probably are going to want to keep a buffer zone, we have to be realistic about it.

MR. CHOE: I'll talk to Mr. Babcock, I'm trying to protect their rights.

MR. BABCOCK: He came and asked first.

MR. ARGENIO: Understood, Mr. Choe, we're trying to make it as simple as we can but what we can't have is 12 angry residents calling Town Hall and the Town Supervisor says Mike, what's going on here or planning board, what's going on. Mark the map with a marker and get with Mike.

MR. CHOE: Okay.

MR. ARGENIO: Okay, thank you very much.

MIDDLE_EARTH_DEVELOPMENT

MR. BABCOCK: This subdivision on Station Road at the time it was called Middle Earth Development it's now Orleans Development. What they wanted to do is they actually there's a hundred foot buffer zone along Station Road that they were supposed to keep all the vegetation and they actually got a little carried away with the chain saws when they were in there getting some sight distance work done and they cut down some of the buffer so these are trees that were along the stone wall fence that are some 8, 10, 12 inches in diameter which are not impossible to replace but somewhat impossible. So I suggested that they give me a sketch, a detail of what they were going to do about this and they took quite a long time for them guys to come around to talk to me.

MR. ARGENIO: And a stop work order.

MR. BABCOCK: And a stop work order to get their attention and what they're proposing is on each side of the entrances to this subdivision they're supposed to put in some three foot raised beds with seven spruce trees 10 to 12 foot high on one side and 10 spruce trees 10, 12 foot high on the other side.

MR. ARGENIO: Mike, I see more plantings here than spruce trees, I see a lot of low ground cover stuff.

MR. BABCOCK: Well, we talked to him today in my office, I wasn't talking, Jennifer was talking.

MR. VAN LEEUWEN: Who is the engineer for this, Mike?

MR. EDSALL: Mazer Consulting.

MR. BABCOCK: And I see that in the picture too and but it doesn't say, it doesn't say that what those things are going to be, so I told them and Jennifer said, I

told them I want some color and he said I think we could arrange that, I want it on the plan, I want what it is.

MR. ARGENIO: I couldn't agree more. We've been burnt many a times because we didn't afford ourselves that level of detail. Go ahead, Neil.

MR. SCHLESINGER: I remember when this client was before us and I remember specifically because of the contour of the land there also, they said that you're hardly even going to see the houses. Now the one house they're building there now you can't miss it, it's the house on the top of the hill.

MR. ARGENIO: Okay, go ahead.

MR. BABCOCK: With the exception of that one.

MR. ARGENIO: Hardly even see the houses is not included, the other five are up over the knob, I don't know if you were aware of that.

MR. SCHLESINGER: Yes, I understand that. And I've gotten feedback because I live in the area from people that live right across the street that questioned what was done about the landscaping and I haven't heard anything recently but when it was done, you know, they were very much concerned and annoyed about it so my feeling is that it should be put back as close to what was removed.

MR. VAN LEEUWEN: They just went ahead and cut it down.

MR. SCHLESINGER: They weren't being nice like Mr. Choe and that was a concern of the people.

MR. ARGENIO: And I disagree for the following reasons. I'm also a neighbor there because in my estimation what they cut down was some ratty trees that go up in the

stone wall and correct me if I'm wrong, Mike, cause I did walk this site, they grow in the stone wall and they go into the property and with the exception of about four trees, maybe four trees there was no benefit of screening whatsoever from those trees, Mike, right or wrong?

MR. BABCOCK: That's correct.

MR. SCHLESINGER: Was there one big tree cut down that wasn't supposed to be?

MR. BABCOCK: Yes, they didn't run parallel to Station.

MR. ARGENIO: They ran perpendicular.

MR. BABCOCK: They ran a line that went back away.

MR. SCHLESINGER: I understand but perpendicular when you're looking at the side you don't know perpendicular, not perpendicular, it's a tree.

MR. ARGENIO: Let me finish my point. To have them put back the same trees in the same location is a colossal waste of money and effort in my estimation. What I think we should be doing is compelling them with more effort but the type the entrances with color and make cosmetic moves that are going to make the area more attractive rather than plant two dozen maple trees that extend perpendicular into the site. That's my opinion.

MR. BABCOCK: Just add one quick thing. Some of the trees were removed because of the sight distance and they had to be removed, part of them were supposed to be.

MR. SCHLESINGER: I remember that.

MR. BABCOCK: There was 55 trees, I don't know if that was the total number of trees that were cut or that was

the amount of trees they should have not cut.

MR. SCHLESINGER: That was a highway sight distance.

MR. BABCOCK: No, no, it was on this plan.

MR. ARGENIO: It was required because of sight distance but as Mike said there were 25 trees that extended up into the property that they cut that they weren't supposed to.

MR. SCHLESINGER: I'd like to see some sort of sketch that I can get a visual on.

MR. VAN LEEUWEN: You're right.

MR. ARGENIO: I don't have a problem with.

MR. VAN LEEUWEN: This doesn't give you anything.

MR. ARGENIO: No problem with it, Neil, for them to put back the trees that as they were is where I have a issue.

MR. SCHLESINGER: Nothing is going to bring back the splendor of the grass.

MR. ARGENIO: Mike, can you do that?

MR. BABCOCK: So this layout is okay?

MR. ARGENIO: What we're saying this is not the wrong thing but it's a partial and I'm the one who told Mike tell them to give us a drawing, you can't see what type they are or anything.

MR. BABCOCK: Okay, so list out what you're putting in there and get it back to me. They had their consulting engineer draw this up which I'm sure he's capable of doing.

May 23, 2007

51

MR. SCHLESINGER: I'd like to see some sort of computerized picture.

MR. ARGENIO: Computerized rendering.

MR. BABCOCK: Okay.

MR. SCHLESINGER: That's easy enough for somebody to do.

DISCUSSION_-_GATEWAY

MR. OLSEN: Mr. Chairman, my name is John Olsen, construction manager for the Gateway Medical Plaza project, just wondering if it would be possible for you to review the project tonight anyway and make a review if there's any findings contingent upon resolving the subdivision question, we've been in front of the board a number of times, we've done a number of revisions. The last time we were in front of the board I think was three months ago and at that point we were under the impression that the question with the Wembly Road had been resolved, that was a separate issue and we went on and did our SWPPP.

MR. ARGENIO: Let me interrupt you. I think I can answer your question pretty effectively. If you were listening, I'm sure you heard me use the term innocuous comments, you know what innocuous means, don't you?

MR. OLSEN: Sure.

MR. ARGENIO: There's no reason for us to do that, I don't think the comments Mark had there was any heavy lifting so to speak.

MR. EDSALL: The only item that required the board confirming if it was acceptable was the enhanced landscaping if just that one element you could cause that's a discretionary item of the board your choice if you want to give them any decision tonight on the landscaping or notes.

MR. ARGENIO: Did you see it?

MR. EDSALL: I did but I wasn't quite sure as to what extent the board wanted it changed.

MR. ARGENIO: Mark, is that the first landscaping plan you've ever reviewed for this board?

MR. EDSALL: Absolutely not.

MR. ARGENIO: What was your feeling relative to other plans that we've had?

MR. EDSALL: I agreed with you last time it needed work so as long as I'm happy with it I guess you'll be happy. At this point, I'll make sure I let you know any additional issues.

MR. OLSEN: Can I assume that once the Wembly Road question is resolved we'll be able to anticipate an approval?

MR. ARGENIO: No, I don't, you can't anticipate that. What I said with the comments there wasn't a lot of heavy lifting, no difficult comments and that's what I said so--

MR. OLSEN: Will we be on the agenda on the 14th also?

MR. ARGENIO: Whenever the next meeting is as long as Dominic can get this information together and Mark can get this information together I promise you and Mr. Helmer I'll put you on the agenda.

MR. OLSEN: Thank you.

MR. CORDISCO: It's June 13.

SISTERS_OF_THE_PRESENTATION_-_DISCUSSION

MR. ARGENIO: Mr. Steidle, you've got 30 seconds, my wife's going to California with my kids and I want to see them tonight.

MR. STEIDLE: I don't want to make enemies but I'm very upset with the decision not to hold a public hearing on a fairly significant project on Jackson Avenue. It's at least 8 or 9 buildings, the owner didn't offer the information but the site is for sale, all of the front is for sale, they have buyers looking at the site. There are big plans, that's why they're moving to the rear of the site. The fact that there may not be a lot of residences around and there are a number of residences because I did the lawn right next to the Fayo property and it's a stone's throw from their property and there's a number of other houses and the house right next to Fayo's driveway, there's a number of houses close to the site and I think not to hold a hearing is deplorable. I mean, you have a major project, major septic system, new buildings, a new driveway, I can't imagine the driveway off Jackson Avenue trying to accommodate that slope. You're requiring a full EAF and now you've made a decision that there's no public hearing. Now I have nothing against the sisters, I get their newsletter, I know full well that the property is for sale and--

MR. ARGENIO: Bill, your point is duly noted and--

MR. STEIDLE: Just let me make one more comment. My house, the nearest house to my house is a third of a mile away. Now, if I wanted to build eight buildings on my property, you wouldn't say well, there's nobody around, therefore, a public hearing is waived. It has nothing to do with that, there's property owners right across the road, you know, he's proposing last I heard a 49 lot subdivision right across the road from this, Joyce Orr had a 2 lot subdivision right next to it. I

mean to say that nothing's going on is not true.

MR. ARGENIO: Bill, you know what I always try to be fair as my predecessor always tried to be and I've said this before on the record, your comments are always pretty intelligent and always very respectful but certainly you can, I'm not going to engage you, this is it, certainly you can also respect that not everybody has the same views and value system that you have, that doesn't make it correct or incorrect, but everybody is different and thank goodness everybody's different. But thank you for the comments. Anybody have a motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer